

REMARKS

Claims 1-34 are pending. Claims 1-34 are rejected. Claims 1, 2, 5, 6, 9, 14, 20, 26, 28, 29, 30, and 31 have been amended. No new matter has been added.

35 U.S.C. 103(a) Rejections

Claims 1-34 are rejected under 35 U.S.C. 103(a) as being obvious over Ginter et al., U.S. Patent No. 5,892,900, in view of Srivastava et al., U.S. Patent No. 6,845,499.

The Examiner is respectfully directed to independent Claim 1, which, as amended, recites that an embodiment of the present invention is directed to:

An automated software distribution method comprising:
 receiving a request to access a software distribution system;
 determining if the requester is a registered user;
 if said requester is a registered user, determining if said registered user is authorized to perform either a software development scaleable software distribution framework activity or a commercial scaleable software distribution framework activity;
 if said requester is authorized to perform said internal scaleable software distribution framework activity, performing an internal process associated with a scaleable software distribution framework and object model in which objects are linked together by unique object identifiers;
 and
 if said requester is authorized to perform said commercial scaleable software distribution framework activity, performing a scaleable software distribution system commerce transaction.

Claims 20, 26, and 31 recite similar limitations. Claims 2-19 are dependent upon Claim 1, and recite further features of the claimed invention. Claims 21-25 are dependent upon Claim 20, and recite further features of the claimed invention. Claims 27-30 dependent on Claim 26, and recite further features of the claimed invention. Claims 32-34 are dependent upon Claim 31, and recite further features of the claimed invention.

The rejection suggests that a combination of the teachings of Ginter and Srivastava described every element of the claimed embodiments recited in Claim 1. Applicants respectfully disagrees, and asserts that the combination suggested by the rejection fails to describe an automated software distribution method that includes determining if a user is authorized perform either in software development activity or a commercial activity, as claimed.

Applicant understands Ginter to describe a virtual distribution environment, for use in securing administering and auditing access to electronic information (Col. 2, ln. 20-32). Moreover, Applicant understands the portion of Ginter cited by the rejection to describe preparing a software container and determining whether a transaction may be authorized (Col. 316, ln. 6-34). However, Applicant contends that Ginter does not describe determining whether a particular user may engage in either a first category of transaction, a software development activity, or a second category of transaction, a commercial activity, as claimed. Ginter describes a system in which access to a particular piece of content, for example a software program, is allowed or denied based upon properties associated with that particular piece of content. The embodiment described in Claim 1, however, describes a method in which a whole category of content, for example software development projects, is allowed or denied based upon the requesting user.

Accordingly, Applicant contends that Ginter fails to anticipate or render obvious the embodiments of the present invention recited in Claim 1.

Srivastava fails to correct this defect in Ginter. Applicant understands the cited portions of Srivastava to describe a uniquely identifying a document (Col. 9, ln. 65-67), and linking documents together to allow the relationships between them to be readily determined (Col. 10, ln. 58-64). The cited portions of Srivastava do not show an automated software distribution method that includes determining if a user is authorized perform either in software development activity or a commercial activity, as claimed.

Accordingly Applicant contend that Ginter, alone or in combination with Srivastava, fails to anticipate or render obvious the embodiments of the present invention recited in Claim 1 (Claims 20, 26, and 31 recite similar limitations). As such, Applicant respectfully asserts that Claims 1, 20, 26, and 31 overcome the basis for rejection under 35 USC 103(a), and are in condition for allowance. Therefore, Claims 2-19, dependent upon Claim 1, Claims 21-25, dependent upon Claim 20, Claims 27-30, dependent upon Claim 26, and Claims 32-34, dependent upon Claim 31, overcome the basis for rejection, as being dependent upon allowable base claims.

Conclusion

In light of the above-listed amendments and remarks, Applicants respectfully request allowance of the remaining Claims.

The Examiner is urged to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

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Date: 12/15, 2005



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